

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 03-12583-GAO

DEPENDABLE MASONRY
CONSTRUCTION COMPANY, INC.,

Plaintiff,

v.

GILBANE BUILDING COMPANY,

Defendant.

GILBANE BUILDING COMPANY,

Plaintiff-in-Counterclaim,

v.

DEPENDABLE MASONRY
CONSTRUCTION COMPANY, INC. and
HARTFORD CASUALTY INSURANCE
COMPANY,

Defendants-in-
Counterclaim.

**JOINT MOTION TO STAY
ACTION PENDING
ARBITRATION**

Plaintiff, Dependable Masonry Construction Company, Inc. ("Dependable"),
Defendant Gilbane Building Company ("Gilbane"), and Defendant-in-Counterclaim
Hartford Casualty Insurance Company ("Hartford") jointly move to stay this action
pending arbitration. In support of this Motion, the parties state:

1. This dispute involves a construction project in Cambridge,
Massachusetts (the "Project").

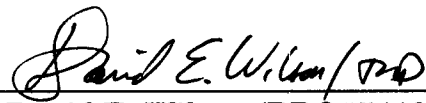
2. Gilbane was the general contractor for the Project.
3. Dependable was the masonry subcontractor for the Project.
4. Hartford was the surety that issued a performance bond with Dependable as its principal and naming Gilbane as obligee.
5. All parties agree that, for the convenience and efficiency of the parties and the Court, all disputes in this action should be submitted to arbitration and that this action should be stayed pending the arbitration.

For the foregoing reasons, Plaintiff, Dependable Masonry Construction Company, Inc., Defendant Gilbane Building Company, and Defendant-in-Counterclaim Hartford Casualty Insurance Company respectfully request that the Court allow this Joint Motion and Stay this Action pending arbitration. A proposed form of Order is attached hereto.

DEPENDABLE MASONRY
CONSTRUCTION COMPANY, INC.

By its attorneys,

CORWIN & CORWIN LLP

By: 
David E. Wilson (BBO#541968)
One Washington Mall
Boston, MA 02108
(617) 742-3420 (telephone)

Dated: August 11, 2004

GILBANE BUILDING COMPANY

By its attorneys,

HOLLAND & KNIGHT LLP

By: 

John W. DiNicola, II (BBO#629618)
10 St. James Avenue
Boston, MA 02116
(617) 523-2700 (telephone)
(617) 523-6850 (facsimile)

Dated: August 11, 2004

HARTFORD CASUALTY INSURANCE
COMPANY

By its attorneys,

CETRULO & CAPONE LLP

By: 

Paula-Lee Chambers (BBO#566888)
Two Seaport Lane
Boston, MA 02210
(617) 217-5500 (telephone)

Dated: August 11, 2004

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 03-12583-GAO

DEPENDABLE MASONRY
CONSTRUCTION COMPANY, INC.,

Plaintiff,

v.

GILBANE BUILDING COMPANY,

Defendant.

GILBANE BUILDING COMPANY,

Plaintiff-in-Counterclaim,

v.

DEPENDABLE MASONRY
CONSTRUCTION COMPANY, INC. and
HARTFORD CASUALTY INSURANCE
COMPANY,

Defendants-in-
Counterclaim.

**ORDER ON JOINT MOTION
TO STAY ACTION PENDING
ARBITRATION**

ORDER

Upon consideration of the parties' Joint Motion to Stay Action Pending Arbitration, it is hereby ORDERED that this Action is STAYED and the parties are ordered to proceed to arbitration for this dispute.

Dated: August __, 2004

Hon. George A. O'Toole, Jr., U.S.D.J.

2176678_v1